

REMARKS

The Invention

The invention features a method for stimulating an immune response specific to a naturally occurring protein in an animal having an immune system including T cells by administering an altered protein or fragment thereof having an unstable polypeptide sequence inserted by artifice.

Support for the Amendment

Support for the amendment to claim 1 is found throughout the specification, for example, on page 40, lines 20-28, page 43, lines 6-25, and Figure 15.

The Office Action

Claims 1-8, 10-13, 15-19, and 58 are pending. Claims 1-8, 10-13, 15-19 stand rejected for anticipation by Hess (U.S. Patent No. 6,326,465; hereafter “Hess”) as evidenced by URLs <http://us.expasy.org/cgi-bin/protp> and <http://us.expasy.org/cgi-bin/peptidecutter/peptidecutt>. Claim 58 stands rejected for lack of enablement.

Rejections under 35 U.S.C. § 112, first paragraph

Claim 58 stands rejected as failing to comply with the enablement requirement. Applicant has cancelled claim 58, and this rejection is now moot.

Rejections under 35 U.S.C. § 102(e)

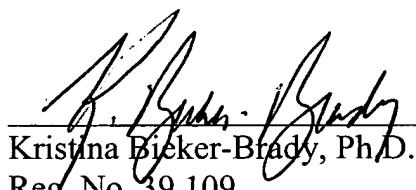
Claims 1-8, 10-13, 15-19 stand rejected for anticipation by Hess. In the previous reply, Applicant stated that Hess teaches a fusion protein while the instant claims are directed to the insertion of an unstable segment into the interior of the protein. In finding these remarks unpersuasive, the Office stated that “the claims language recited in instant claim 1, i.e., into, as broadly interpreted is not limited to insertion into the interior of a linear sequence, i.e., that the insertion can be at any portion of the protein, [or] fragment thereof.” While Applicant disagrees with the Office’s interpretation, claim 1 has been amended to recite “wherein an unstable polypeptide segment has been inserted by artifice into the interior of said altered protein.” Since, as stated in the previous reply, the altered protein or fragment employed in the instant method differs from the fusion peptides of the method of Hess, Hess does not disclose each and every element of claim 1, as required for anticipation, and the rejection of claims 1-11 should be withdrawn.

CONCLUSIONS

Applicant submits that the claims are now in condition for allowance, and such action is respectfully requested. If there are any charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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